IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 25374 of 2007(U)

OS.369/1998 of MUNSIFF COURT, KODUNGALLUR

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PETITIONER:

SHINE, S/O. VETHOTTIL VELAYUDHAN,
PERUMBADAPPU DESOM, CHENTHRAPPINNI VILLAGE,
KODUNGALLUR TALUK.

BY ADV. SRI.V.M.KRISHNAKUMAR

RESPONDENTS:

PRASANNAKUMAR, S/O. THENDAYAMPARAMBIL
SEKHARAN, PERUMBADAPPU DESOM, CHENTHRAPPINNI
VILLAGE, KODUNGALLUR TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C).No. 25374 OF 2007 U

Dated this the 21st August, 2007.

JUDGMENT

This writ petition is preferred against the order passed by the learned Munsiff, Kodungallur whereby she directed the judgment debtor to pay the balance decree amount in monthly instalments at the rate of Rs.6,000/- per month. The judgment debtor filed an application with a prayer to pay off the liability at the rate of Rs.4,000/- per month. I had gone through the statement prepared from 25.8.2004 to 12.10.2006. The range of payment has been Rs,5,000/-, Rs.3,000/-, Rs.4,000/- and in one solitary instalment at the rate of Rs.6,000/-. But the intention of the judgment debtor to pay off the liability is proved by the statement and the court below has also exercised its discretion. Taking into consideration the past conduct and the capacity, I am inclined to reduce the instalment rate to Rs.5,000/- instead of Rs.6,000/-. The order of the court below is modified accordingly and the writ petition is disposed of.

M.N.KRISHNAN
Judge

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